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10/090,499	03/04/2002	Anthony J. Dezonno	6065-82964	6038

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EXAMINER

GENACK, MATTHEW W

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/090,499

Applicant(s)

DEZONNO ET AL.

Examiner

Matthew W. Genack

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 22 April 2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Supplemental IDS.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: "VXML interpreter 46" on Page 5 Lines 8-9 should read "VXML interpreter 48".

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "34" has been used to designate both "CPU" and "agents". Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "30", "34" (in reference to the element labeled "CPU"), "38," "40," "42," "44," and "DB" of Fig. 1., and "3a," "7a," "10a," and "14a" of Figs. 2a and 2b. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the

Art Unit: 2645

application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 8-12, 15-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Saylor *et. al.*, U.S. Patent No. 6,792,086.

Regarding Claims 1 and 8, Saylor *et. al.* discloses a system and method whereby voice codes store content, said content being accessible by telephone (Abstract, Column 1 Lines 62-66, Column 5 Lines 12-14). A user calls a call processing center, and said call center processes an information request from said user via a voice browser module that uses speech recognition to interpret the user's request for information. This information may be disseminated by an organization whose purpose

Art Unit: 2645

is commerce-related (Column 3 Lines 36-41, Column 5 Lines 41-42 and 55). The user may ask a business-related question (Column 17 Lines 13-16). The user's question may be translated into a voice extendible markup language (Voice XML) (Column 9 Lines 31-35, Column 10 Lines 24-26). Artificial intelligence is then used to provide information that best answers the user's question (Column 9 Lines 31-43, Column 19 Lines 50-55, Fig. 2).

Regarding Claims 2 and 9, it is inherent that telephone calls are received through the public switched telephone network (PSTN), which constitutes a switched circuit.

Regarding Claims 3 and 10, speech recognition may be used to process the user's query (Column 3 Lines 56-60, Column 10 Lines 20-26).

Regarding Claims 4 and 11, an interpreter may be used to provide requested Voice XML information to the user (Column 8 Lines 16-20).

Regarding Claims 5 and 12, the requested information may be passed through a text-to-speech engine and played on the user's phone (Column 8 Lines 31-34).

Regarding Claim 15, Saylor *et. al.* discloses a system and method whereby voice codes store content, said content being accessible by telephone (Abstract, Column 1 Lines 62-66, Column 5 Lines 12-14). A user calls a call processing center, and said call center processes an information request from said user via a voice browser module that uses speech recognition to interpret the user's request for information. This information may be disseminated by an organization whose purpose is commerce-related (Column 3 Lines 36-41, Column 5 Lines 41-42 and 55). The user may ask a business-related

Art Unit: 2645

question (Column 17 Lines 13-16). The user's question may be translated into a voice extendible markup language (Voice XML) (Column 9 Lines 31-35, Column 10 Lines 24-26). Artificial intelligence is then used to provide information that best answers the user's question (Column 9 Lines 31-43, Column 19 Lines 50-55, Fig. 2). The textual information that is retrieved is converted to voice via a text-to-sound synthesizer (Column 4 Lines 19-31).

Regarding Claim 16, it is inherent that telephone calls are received through the public switched telephone network (PSTN), which constitutes a switched circuit.

Regarding Claim 18, speech recognition may be used to process the user's query (Column 3 Lines 56-60, Column 10 Lines 20-26).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 13, 17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor *et. al.* in view of Schroeder *et. al.*, U.S. Patent No. 6,829,348.

Saylor *et. al.* discloses all of the limitations of Claims 1, 8, and 15, as outlined above, upon which Claims 6, 13, and 17 depend.

Saylor *et. al.* does not expressly disclose the detection of a query within an html document.

Schroeder *et. al.* discloses a system and method for customer contact information management (Abstract). The call and data flow are managed by a call center (Column 13 Lines 32-37). The user may contact the system via a telephone or via a computer (Column 16 Lines 4-9, Fig. 1A). In the latter case, the server may provide an HTML form, which requests information from the user regarding the nature of his query, for the user to complete (Column 16 Lines 22-36).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Saylor *et. al.* by adding the capability for a user to input a request for information about an organization via an HTML document.

One of ordinary skill in the art would have been motivated to make this modification because many cellular telephones have internet-browsing capabilities, and users of such cellular telephones may prefer to input their requests via HTML documents rather than by dialing a telephone number and speaking to an automated system.

Regarding Claims 20-21, Saylor *et. al.* discloses a system and method whereby voice codes store content, said content being accessible by telephone (Abstract, Column 1 Lines 62-66, Column 5 Lines 12-14). A user calls a call processing center, and said call center processes an information request from said user via a voice browser module that uses speech recognition to interpret the user's request for information. This information may be disseminated by an organization whose purpose is commerce-related (Column 3 Lines 36-41, Column 5 Lines 41-42 and 55). The user

Art Unit: 2645

may ask a business-related question (Column 17 Lines 13-16). The user's question may be translated into a voice extendible markup language (Voice XML) (Column 9 Lines 31-35, Column 10 Lines 24-26). Artificial intelligence is then used to provide information that best answers the user's question (Column 9 Lines 31-43, Column 19 Lines 50-55, Fig. 2).

Saylor *et. al.* does not expressly disclose the submission of a query through a text-based means.

Schroeder *et. al.* discloses system and method for customer contact information management (Abstract). The call and data flow are managed by a call center (Column 13 Lines 32-37). The user may contact the system via a telephone or via a computer (Column 16 Lines 4-9, Fig. 1A). In the latter case, the server may provide an HTML form, which requests information from the user regarding the nature of his query, for the user to complete (Column 16 Lines 22-36). A question submitted in the form of an HTML document constitutes a text-based question, as HTML stands for "hypertext markup language." The database is managed by a language that allows said database to be queried by the user (Column 13 Lines 26-31, Fig. 3).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Saylor *et. al.* by adding the capability for a user to input a request for information about an organization by text-based means in place of voice-based means.

One of ordinary skill in the art would have been motivated to make this modification because many cellular telephones have internet-browsing capabilities, and



Art Unit: 2645

users of such cellular telephones may prefer to input their requests via HTML documents rather than by dialing a telephone number and speaking to an automated system.

8. Claims 7, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor *et. al.* in view of Armstrong, U.S. Patent No. 6,356,633.

Regarding Claims 7, 14, and 19, Saylor *et. al.* discloses all of the limitations of Claims 1, 8, and 15, as outlined above, upon which Claims 7, 14, and 19 depend.

Saylor *et. al.* does not expressly disclose the detection of a query within an email.

Armstrong discloses a system and method of processing and routing emails within a call center (Abstract). A consumer may send a request for information to the call center in the form of email, in a manner analogous to the way in which a request via telephone would be processed (Column 2 Lines 16-28, Column 4 Lines 18-28, Fig. 1).

At the time that the invention was made, it would have been obvious to one of ordinary skill in the art to modify the invention of Saylor *et. al.* by adding the capability for a user to input a request for information about an organization via email.

One of ordinary skill in the art would have been motivated to make this modification because cellular telephones have email capabilities, and users of such cellular telephones may prefer to input their requests via an email rather than by dialing a telephone number and speaking to an automated system.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 703-605-4305. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

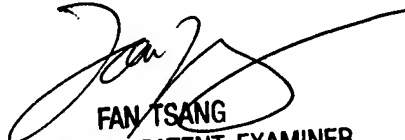
Matthew Genack

Examiner

Art Unit 2645



8 March 2005



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